

Thomas & Solomon LLP
THE EMPLOYMENT ATTORNEYS

March 6, 2023

VIA CM/ECF

Honorable Elizabeth A. Wolford
United States District Court
Western District of New York
100 State Street
Rochester, NY 14614

Re: **Van Brunt-Piehler v. Absolute Software, Inc. et al.**
Civil Action No. 16-cv-6313-EAW-MWP

Dear Judge Wolford:

Pursuant to Your Honor's request today for a proffer regarding how Ms. Piehler was not paid her Department of Education ("DOE") commissions, Plaintiff's Exhibit 166 demonstrates Mr. Awtry's directive that females be paid less than males. A copy of Exhibit 166 is attached as **Exhibit A**.

Very truly yours,

/s/ **Jonathan W. Ferris**

Jonathan W. Ferris

cc: All counsel of record (via email)

Exhibit A

From: Todd Awtry
To: Mary Piehler
Cc: Daniel Berardo; Caroline Nelson; Leigh Ramsden
Subject: NY DOE Follow-up
Date: Monday, June 30, 2014 6:01:44 PM

Mary –

As a follow-up to our conversation earlier today around NY DOE.

We have finished our review of the NY DOE ordering process and wanted to share with you next steps:

- As you already probably noticed we held commissions until we were able to determine what commissions were actually earned.
 - We have determined that the bulk of the orders relate to accounts that were on the frozen list and should have been paid at 80%.
 - We will be paying all the New York Upper eastside and all other accounts that appear to be RESO A at 80% unless you can demonstrate to us that the order was from a new school where the funding source does not require Absolute Software to be part of the order.
 - Now that the investigation is complete we'll do a revised commissions calculation later today and overnight a manual check to you. Any additional commission will be paid once we have confirmed the facts.
- It appears there was some confusion around how best to handle these orders.
 - Starting July 1st all NY DOE orders should be entered as follows
 - All NY DOE orders and orders from the 5 NY DOE integrators should be entered in the NY DOE RESO A (master account) account
UNLESS
 - It's a direct order from a "new school" where ABT S/W is not already baked into the requirements via the funding source.
 - Direct orders from "new schools" should have their own unique ID and customer center login to be considered a "new school".
 - Additionally all NYC DOE orders will be paid at 80% until the semi-annual review, except if they are new schools.
- The frozen list must be followed. Any situation that has ambiguity moving forward will need agreement from Finance and myself to be paid anything other than 80%.
- Additionally a copy of this email will be put in your permanent HR file.

Thank you for your understanding in this matter.

Todd M Awtry
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